



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 30 1995

REPLY TO THE ATTENTION OF:

CM-29A

Richard D. Burke, President
Eagle Marine Industries, Inc.
200 N. Broadway, Suite 1725
St. Louis, MO 63102-2716

Re: Access to Property known as Sauget Area 2, Site Q,
(formerly known as Sauget & Company Landfill)
Sauget, Illinois

Dear Mr. Burke,

Per our January 25, 1995, telephone conversation, enclosed please find a Consent Agreement for Access to the property known as Sauget Area 2, Site Q, formerly known as Sauget & Company Landfill, Sauget, Illinois. U.S. Environmental Protection Agency ("U.S. EPA") personnel plan to conduct hazardous waste removal activities at the site because the Agency has determined that the site contains exposed drums containing high levels of PCB Arochlor 1260. These exposed drums constitute, among other things, an actual or potential threat of exposure of hazardous substances or pollutants or contaminants to human health and the environment. For this reason, U.S. EPA personnel need access through your property and to the river front portion of your property in order to remedy the contamination. During our telephone conversation you agreed (subject to your attorney's approval) to allow U.S. EPA personnel onto your property for the purpose of conducting hazardous waste removal activities in the area.

Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9604, gives the U.S. EPA and its representatives the authority to enter any property for the purpose of taking response actions to address the release or threatened release of hazardous substances, pollutants, or contaminants. Although U.S. EPA personnel may enter property without an owner's consent when entry is necessary to respond to a release or threatened release, it is U.S. EPA's practice to seek the owner's consent before entry onto the property.

Therefore, I have enclosed a "CONSENT FOR ACCESS TO PROPERTY" form so that you may give U.S. EPA your written consent for access to your property. Please sign and date the form and return it to me within 10 days of the date of this letter. You may send the completed form to me at the following address:



Deirdre Flannery Tanaka
U.S. Environmental Protection Agency (CM-29A)
77 West Jackson Boulevard
Chicago, Illinois 60604

If you have any questions, please call me at (312) 886-6730. I appreciate your prompt attention to this matter.

Sincerely,



Deirdre Flannery Tanaka
Associate Regional Counsel

Enclosure

cc: Carol Graszer Ropski (HSE-5J)
✓ Sam Borries (HSE3-5J)

CONSENT FOR ACCESS TO PROPERTY

Name: Eagle Marine Industries, Inc.
Riverport Terminal & Fleeting Co.
Fred Leyhe

Address Sauget Area 2, Site Q
of Property: (formerly known as Sauget & Company Landfill)
 Sauget, Illinois

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency ("U.S. EPA") entering and having continued access to this property for the following purposes:

Containing hazardous materials present on the property;

Preparing for and disposing of hazardous materials;

Performing other actions to investigate contamination on the property that U.S. EPA may determine to be necessary; and

Taking any response action to address any release or threatened release of a hazardous substance, pollutant or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

I realize that U.S. EPA's actions are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601 et seq.

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

Date

Signature